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# Congressional Record - S.J. Res. 215 - National Primary

Mike Mansfield 1903-2001

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By Mr. MANSFIELD (for himself  
and Mr. AIKEN):

S.J. Res. 215. A joint resolution propos-  
ing an amendment to the Constitution  
of the United States relating to the  
nomination of individuals for election to  
the offices of the President and Vice  
President of the United States.

Mr. MANSFIELD. Mr. President, fol-  
lowing New Hampshire, a headline writer



last week put it clearly: "The Road Show Moves to Florida." That caption said everything there is to say about the effect of the current system of presidential primaries upon the democratic processes of this Nation. What is happening in Florida today gives one cause to suggest that the winter headquarters of Ringling Brothers-Barnum and Bailey have failed to close on schedule this year.

The truth is, the happenstance primaries have just begun and if everything goes as it has in the past, the results will never be in. Indeed, there will be no results. As in the past, no two of this year's primary tests offer the voter or the hopeful candidates any resemblance of similar opportunities. The real issue in Florida, for instance, has little, if anything at all to do with the matter of selecting a presidential candidate. In some States what the voter faces is a long list of strange names and even stranger circumstances. The delegates he selects may go to a convention where votes are cast, not as the people back home prescribe, but in the manner a particular delegate himself happens to decide.

This is not the case with all such primaries. But that is the point. This year, what the candidate faces is the same mishmash of inconsistent and often conflicting primary laws that were confronted 4 years ago—with one exception: There are 25 primaries this year, up from 14 in 1968. And what does the increase tell us? That States are genuinely responding to the demand of citizens who, for the enhancement of the democratic system, ask that they be added to the list? I think not. Let us face it. Primaries have become big business—as nearly important to the coffers of some States as tourism, agriculture, heavy industry, or whatever.

For the candidates it means facing each other in areas that simply do not represent valid cross sections of the American electorate. Candidates must, therefore, pick and choose and maneuver in efforts to come out as apparent winners. In some cases, this has even meant running against themselves. They must compete for delegates that are often not bound to support them even when apparently successful. At the very least the candidate finds himself enmeshed in a maze of laws, customs, and bad practices that leave him physically exhausted, financially deflated, and, more often than not, politically defeated. In the wake of such a result has fallen enormous effort and a huge sum of money. For the underfinanced and understaffed candidate, the effect is always fatal. For the American voter, the effect is one of bewilderment, confusion, and, at times, revulsion.

For the good of this Nation and for the preservation of its democratic processes as they were constituted originally, it is high time that we end these drawn-out political extravaganzas and institute a national presidential primary. I know this path has been attempted before. And the suggestion is by no means original with me. Together with the distinguished Senator from Vermont (Mr. AIKEN), we have introduced proposals

to establish a national primary in the past. Other Senators have urged similar steps. I would hope the task could be finished.

Simply stated, what this present plan envisions is the nomination of presidential candidates by a single, nationwide, closed primary. It would be held in early August. To get on the ballot, a major party candidate would be required to file petitions signed by qualified voters equal to 1 percent of the vote cast in the last election for presidential candidates in a given number of States. Provision would be made for minor party candidates as well. There could be no cross filing and for the most part, the place and manner of holding the primary would be left to individual States. There would be a runoff only when no candidate receives more than 40 percent of the vote.

For Vice President, this proposal leaves it open for each party to designate an official candidate. Conventions are not abolished, though their role would change considerably. Assisting in the selection of the vice presidential candidate, drafting a platform and deciding other matters of party procedures would no doubt consume a substantial time of the convention delegates.

It should be noted that the campaign spending reforms enacted recently by the Congress would apply to the national primary. The ceiling on media spending imposed by this law particularly in my judgment will have a continuing and lasting effect upon election processes that can only benefit further generations.

One last matter. Before introducing this proposal for election reform, I would like to pay special tribute to the senior Senator from Vermont (Mr. AIKEN) who has again joined me in this endeavor to evoke constitutional change. In my judgment, no member of this institution is better able to pass judgment on the inadequacies and inequities of our political processes than the wise and prudent ranking Republican of the Senate. I welcome this support once more. It has meant a great deal in the past. It means a great deal more than ever today.

Mr. President, on behalf of the distinguished Senator from Vermont (Mr. AIKEN) and myself, I send the joint resolution to the desk and ask that it be printed in the Record.

The PRESIDING OFFICER (Mr. STEVENSON). Without objection, the joint resolution will be received and appropriately referred; and, without objection, will be printed in the Record.

The text of the joint resolution is as follows:

#### S.J. RES. 215

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after its submission to the States for ratification:

#### "ARTICLE —

"SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during

the term of four years and, together with the Vice President, chosen for the same term, be elected as provided in this Constitution.

"SEC. 2. The official candidates of political parties for President shall be nominated at a primary election by direct popular vote. Except with respect to qualifications relating to requirements of periods of residency, voters in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature, but, in the primary election each voter shall be eligible to vote only in the primary of the party of his registered affiliation.

"SEC. 3. No person shall be a candidate for nomination for President except in the primary of the party of his registered affiliation, and his name shall be on that party's ballot in all the States if he shall have filed a petition at the seat of the Government of the United States with the President of the Senate, which petition shall be valid only if (1) it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in each of at least seventeen of the several States, equal in number to at least 1 percent of the vote cast for electors for presidential and vice-presidential candidates of his party in those several States in the most recent previous presidential election; or, in the event the electors for the candidates of a political party shall have appeared on the ballot in fewer than seventeen of the several States in the most recent previous presidential election, it is determined by the President of the Senate to have been signed, on or after the first day in January of the year in which the next primary election for President is to be held, by a number of qualified voters, in any or all of the several States, equal in number to at least 1 percent of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election, and (2) it is filed with the President of the Senate not later than the first Tuesday after the first Monday in April of the year in which the next primary election for President is to be held.

"SEC. 4. For the purposes of this article a political party shall be recognized as such if the electors for candidates for President and Vice President of such party received, in any or all of the several States, an aggregate number of votes, equal in number to at least 10 percent of the total number of votes cast throughout the United States for all electors for candidates for President and Vice President in the most recent previous presidential election.

"SEC. 5. The time of the primary election shall be the same throughout the United States, and, unless the Congress shall by law appoint a different day, such primary election shall be held on the first Tuesday after the first Monday in August in the year preceding the expiration of the regular term of President and Vice President.

"SEC. 6. Within fifteen days after such primary election, the chief executive of each State shall make distinct lists of all persons of each political party for whom votes were cast, and the numbers of votes for each such person, which lists shall be signed, certified, and transmitted under the seal of such State to the Government of the United States directed to the President of the Senate, who, in the presence of the Speaker of the House of Representatives and the majority and minority leaders of both Houses of the Congress, shall forthwith open all certificates and count the votes and cause to have published in an appropriate publication the aggregate number of votes cast for each person by the voters of the party of his registered affiliation. The person who shall have received the greatest num-



ber of votes cast by the voters of the party of his registered affiliation shall be the official candidate of such party for President throughout the United States, if such number be a plurality amounting to at least 40 per centum of the total number of such votes cast. If no person receives at least 40 per centum of the total number of votes cast for candidates for nomination for President by the voters of a political party, then the Congress shall provide by law, uniform throughout the United States, for a runoff election to be held on the twenty-eighth day after the day on which the primary election was held between the two persons who received the greatest number of votes cast for candidates for the presidential nomination by voters of such political party in the primary election: *Provided, however,* That no person ineligible to vote in the primary election of any political party shall be eligible to vote in a runoff election of such political party.

"Sec. 7. Each party, for which, in accordance with sections 2, 3, 4, and 5 of this article, the name of a presidential candidate shall have been placed on the ballot, shall nominate a candidate for Vice President, who, when chosen, shall be the official candidate of such party for Vice President throughout the United States. No person constitutionally ineligible for the office of President shall be eligible for nomination as a candidate for the office of Vice President of the United States.

"Sec. 8. In the event of the death or resignation or disqualification of the official candidate of any political party for President, the person nominated by such political party for Vice President shall resign the vice-presidential nomination and shall be the official candidate of such party for President. In the event of the deaths or resignations or disqualifications of the official candidates of any political party for President and Vice President, a national committee of such party shall designate such candidates, who shall then be deemed the official candidates of such party, but in choosing such candidates the vote shall be taken by States, the delegation from each State having one vote. A quorum for such purposes shall consist of a delegate or delegates from two-thirds of the several States, and a majority of all States shall be necessary to a choice.

"Sec. 9. The places and manner of holding any such primary or runoff election shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations. For purposes of this article the District of Columbia shall be considered as a State, and the primary elections shall be held in the District of Columbia in such manner as the Congress may by law prescribe.

"Sec. 10. The Congress may provide by appropriate legislation for cases in which two or more candidates receive an equal number of votes and for methods of determining any dispute or controversy that may arise in the counting and canvassing of the votes cast in elections held in accordance with sections 2, 3, 4, 5, 6, and 9 of this article.

"Sec. 11. The Congress shall have power to enforce this article by appropriate legislation."

Mr. AIKEN. Mr. President, in joining Senator MANSFIELD in proposing a constitutional amendment providing for a nationwide primary election for the nomination of the President, I am not doing so under the illusion that such an amendment will result in making campaign contributors more honest, candidates less susceptible to temptation, or even guaranteeing that only qualified persons will be nominated for the Presidency in future elections.

This proposed amendment is designed to end the practice of individual State Presidential primaries and to restore some order to the Presidential selection process.

Candidates in a statewide primary are swayed by different motivations—most of them believing that as President they could provide us with better Government.

But there is also another motivation which tells them that even though convention delegates are not listed on the commodity market, they certainly do have a market value at the national party convention.

I do not mean a cash value, but a value in terms of prestige and influence should the recipient of their generosity be elected President.

For most candidates, campaign contributions are easy to come by and while most of these contributions come in small amounts from honest, patriotic citizens who thoroughly believe in a better Government, there is ample evidence that many of the larger contributions are made by individuals and organizations who regard a campaign contribution as an investment which may pay good dividends later on if the candidate is successful.

To be on the safe side, some families or organizations make contributions directly or indirectly to two or more candidates.

This, of course, is an investment in security.

Tomorrow, this country will witness the second statewide presidential primary held this year. We have already had one in New Hampshire. I feel rather safe in saying that, as a result of the primary in New Hampshire and the large number of candidates who sought the Democratic nomination in that State, probably none of them will be nominated to be the Democratic candidate for President.

There are 23 more to follow and by the time they are all completed, the public may well come to the conclusion that no one is fit to be President.

Seriously, Mr. President, I feel that the show now going on in half of the States of the Union is no credit to the democratic form of Government.

I do not think that candidates are more dishonest than they used to be.

I believe in the sincerity of most of those who now seek the Presidency, but the pitiless publicity of today spread their weaknesses before the public in a discouraging and devastating manner.

Most of them are not nearly so bad as their rivals make them out to be, but I do believe that a single nationwide primary to nominate candidates for the Presidency and leaving the formulation of platform and policies to the national convention would be a vast improvement over what we have now and will, in my opinion, result in better Government.

Mr. President, I have been asked about the establishment of the machinery necessary to carry out the provisions for a nationwide primary. I call attention to section 11 of the resolution which states:

The Congress shall have power to enforce this article by appropriate legislation.